

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
<i>Defendant.</i>)	

CONSENT MOTION FOR ENTRY OF A MODIFIED PROTECTIVE ORDER

PURSUANT TO RULE 26(c), Defendant, Google LLC, moves for entry of a modified protective order on the following grounds:

1. This antitrust action will include the discovery of confidential business information from the parties and non-parties.

2. The Court has previously entered a *Protective Order* that had been negotiated by the parties (Dkt. No. 98), which was intended to cover the handling, use, and disclosure of competitively sensitive information produced by the parties and non-parties during discovery.

3. Non-Party Comcast Corporation, for itself and with the support of other non-parties AT&T, Inc., Microsoft Corporation, Fox Corporation, and T-Mobile USA, Inc., filed a motion to modify the *Protective Order* (Dkt. No. 113). Of particular concern were certain procedures in the *Protective Order* concerning disclosure of confidential information produced by non-parties to Google in-house attorneys—that is, *Protective Order* ¶¶ 14(d), 19, 20-22 (Dkt. No. 113, *Motion to Modify*, at 5-7).

4. The Court entered an order directing the parties and non-parties to meet and confer further to see if the motion to modify could be resolved (Dkt. No. 118). The parties and non-parties have held extensive meet-and-confer calls and exchanged revised drafts of the *Protective*

Order, and now have reached agreement on a modified version of the *Protective Order*, which addresses the issues raised in the non-parties' motion—*viz.*, it deletes Paragraphs 14(d) and 20-22, and modifies Paragraph 19, along with conforming edits.

5. Google now moves the Court to vacate the current *Protective Order* and to enter the attached proposed *Modified Protective Order* in its place (*nunc pro tunc* to April 4, 2023, the date when the *Protective Order* was entered), and to deem the *Motion to Modify* as resolved.

6. The Plaintiffs and non-parties consent to the relief sought in this motion.

WHEREFORE, Google requests that the Court vacate the current *Protective Order* (Dkt. No. 98); deem the *Motion to Modify* (Dkt. No. 113) resolved; and enter the attached proposed *Modified Protective Order* (*nunc pro tunc* to April 4, 2023). Proposed orders are submitted herewith.

The parties and non-parties do not seek oral argument on this motion.

Dated: May 10, 2023

Respectfully submitted,

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